

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KADAR UDAI PEARSON,

Defendant.

Case No. 3:24-cr-122

**MOTION TO CORRECT
INDICTMENT**

The United States of America, by Mac Schneider, United States Attorney for the District of North Dakota, Jacob T. Rodenbiker, Assistant United States Attorney, David L. Jaffe, Chief of the Violent Crime and Racketeering Section, and Alyssa Levey-Weinstein, Trial Attorney, moves this Court for an Order correcting the Indictment to ameliorate non-substantive typographical errors contained on page one. The errors are in the parenthetical count numbers of the Defendant's prior felony convictions. The first prior conviction should read "(Count 1)" rather than Count 3, and the second should read "(Count 3)" instead of Count 5.

An amendment to an Indictment that is merely a mistake of form is permitted. See Russell v. United States, 369 U.S. 749, 770 (1962) (holding that it is a "settled rule in the federal courts that an indictment may not be amended except by resubmission to the grand jury, unless the change is merely a matter of form.") "Misnomers generally are mistakes of form that may be corrected by amending the indictment." United States v. Mason, 869 F.2d 414, 417 (8th Cir. 1989). This amendment is permissible because a correction to a typographical error is a matter of form and has no substantive impact.

United States v. Neff, 525 F.2d 361, 363 (8th Cir. 1975). Moreover, the United States has confirmed through opposing counsel that the Defendant does not oppose this motion.

For these reasons, the United States respectfully moves this Court for an Order correcting the Indictment as proposed.

Dated: September 3, 2024

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